



Entered on Docket  
October 13, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,  
USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>  
USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,  
USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>  
USA SECURITIES, LLC,<sup>3</sup>

Debtors.

**Affects:**

- ☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

**CHAPTER 11**

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SECOND  
OMNIBUS OBJECTION OF USACM  
TRUST TO PROOFS OF CLAIM BASED  
UPON INVESTMENT IN BAR USA LOAN**

Hearing Date: October 5, 2009  
Hearing Time: 9:30 a.m.

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Second Omnibus Objection of USACM Trust to  
2 Proofs of Claim Based Upon Investment in BarUSA Loan,” [Docket No. 7342], (the  
3 “Objection”); with appropriate notice of the Objection having been given; no response to  
4 the Objection having been filed; and good cause appearing:

5 **IT IS HEREBY ORDERED:**

- 6 1. The Objection is sustained; and
- 7 2. The claims listed in **Exhibit A** based upon a Direct lender investment  
8 in the BarUSA loan are disallowed in their entirety.

9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**

11 By /s/ Marvin Ruth (#10979)  
12 Rob Charles  
13 John Hinderaker (*pro hac vice*)  
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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

**LEWIS AND ROCA LLP**

By: /s/ Marvin Ruth (#10979)  
 Rob Charles  
 John Hinderaker (*pro hac vice*)  
 Marvin Ruth  
*Attorneys for USACM Liquidating Trust*

<b>Claim</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the BarUSA/\$15,300,000 Loan</b>
10725-00486	Harkins 2001 Revocable Trust Dtd 8/23/01	Leslie & Linda Harkins Ttees <del>2050 Longley Ln Apt 2008</del> <del>Reno, NV 89502</del> 5360 Balazza Court Reno, NV 89519	25,000.00	25,000.00
10725-00614	Harkins 2001 Revocable Trust Dtd 8/23/01	Leslie & Linda Harkins Ttees <del>2050 Longley Ln Apt 2008</del> <del>Reno, NV 89502</del> 5360 Balazza Court Reno, NV 89519	25,000.00	25,000.00
10725-02230	Jocelyne Helzer Ira, First Savings Bank C/F	115 South Deer Run Rd Carson City, NV 89701	36,538.00	36,538.00
10725-00909	Joyce E Smith Trust Dated 11/3/99	C/O Joyce E Smith Trustee 3080 Red Springs Dr Las Vegas, NV 89135-1548	53,791.67	53,791.67
10725-01769	Larson, Gary & Dolores	544 Rolling Hills Dr Mesquite, NV 89027	72,247.00	72,247.00
10725-00734	Louise G Sherk Md Employee Benefit Plan Trust	C/O Robert Di Bias & Louise Sherk Ttees 3830 Ocean Birch Dr Corona Del Mar, CA 92625-1244	50,753.42	50,753.42
10725-01576	Lukito, Hendarsin & Shu S	3009 Beaverwood LN Silver Spring, MD 20906-3011	55,000.00	55,000.00
10725-00455	Machetta, James	Po Box 2242 Denver, Co 80201	50,000.00	50,000.00
10725-00421	Machetta, Joseph	Po Box 187 Brush, CO 80723	50,000.00	50,000.00
10725-01593	Mayo, Monroe	8635 W Sahara Ave #532 Las Vegas, NV 89117	25,000.00	25,000.00

**EXHIBIT A**